UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED

MAY 3 1 2002

MICHAEL N. MILBY, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GILBERTO ALBA, on Behalf of Himself and Others Similarly Situated, *Plaintiffs*	§	CIVIL ACTION NO: H-02-1503
	§	
v.	§	COLLECTIVE ACTION
	§	
MADDEN BOLT CORPORATION, *Defendant*	§	JURY TRIAL DEMANDED

ORDER APPROVING NOTICE AND
SETTING HEARING ON MOTION FOR PROTECTIVE ORDER

The Court has considered Plaintiff's Emergency Motion for Notice to Potential Class Members and for Associated Protective Order (the "Motion")and any response filed by Defendant. The Court is of the opinion that the Motion is well-taken and should be granted. The Court therefore ordered Defendant to produce the full name, last known address and telephone number, and dates and location(s) of employment for all current and former hourly employees employed during the period January 1, 1999 to present. Madden is to produce a computer-readable data file containing this information to Plaintiff's counsel within five (5) days of this order.

Further, the notice attached hereto as Exhibit A shall be issued within ten (10) days by Plaintiff's attorney to those persons identified by Defendant. Such notice shall be mailed by first class U.S. Mail, with a copy to Defendant's counsel, all at Plaintiff's attorneys' cost. They shall include a Notice of Consent and a return-addressed stamped envelope. The potential plaintiffs shall be provided until 45 days from the date of mailing to file their Notice of Consent "opting-in" to this litigation as plaintiffs.

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The Court will consider Plaintiff's Motion for Protective Order separately. Defendant shall respond to the issues raised by Plaintiff's Motion for Protection by June 3, 2002. ~~In addition, the Court will hold an oral hearing on these issues on June 5, 6, 7, 2002 at _____ am/pm.~~ CLH

Dated May 30, 2002.

JUDGE PRESIDING

IN THE UNITED STATES DISTRICT COURT
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NOTICE OF RIGHTS

To: All current and former employees of Madden Bolt Corporation at any time betweenMay 13, 1999 and the present.

RE: Fair Labor Standards Act ("FLSA") lawsuit against of Madden Bolt Corporation (Madden Bolt).

This case was filed by Gilberto Alba, a former employer of Madden Bolt who alleges that he and other employees (Plaintiffs) were denied overtime compensation time for each hour worked in excess of forty while working Madden Bolt. Plaintiffs claim they are entitled to additional compensation for every hour of overtime they have worked during the time April 24, 1999 to the present. For those unpaid hours worked in excess of forty in a particular workweek, plaintiffs seek this additional compensation at one and one-half their hourly rates.

If you are among the persons to whom this notice is addressed and you wish to have your right to overtime pay litigated in this case, you should file your consent to be made a party plaintiff with the Clerk of the Court. **You are eligible to participate in this case even if you signed an Agreement stating that you waived or released your claim for unpaid wages.** It is entirely your own decision whether or not to do so and, if you do elect to become a party plaintiff, whether you prefer to be represented by the present plaintiffs' attorney[1] or by an attorney of your choosing. If you file a consent through a separate attorney, your Notice of Consent should be under the caption of the case as listed above, should contain your name, address, telephone number, date of birth, date of signing and signature, and should state: "I hereby consent to be a party plaintiff in this case."

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1 Plaintiffs' attorney is:
Richard J. Burch
Bruckner Burch , PLLC
5847 San Felipe, Suite 3900
Houston, Texas 77057
(713) 877-8788

EXHIBIT
A

If you wish plaintiffs' attorney, Richard J. Burch, to represent you, you should contact him directly at (713) 877-8788. You will have the opportunity to discuss with him in detail the nature of this case, including the terms by which he may represent you.

As already stated, you are not required to join in this case by filing your consent or to take any action unless you want to. However, your determination whether or not to take action should be made promptly. Unless a Notice of Consent is actually filed with the Court on or before ___________, you will not be permitted to join this case. A Notice of Consent is enclosed with a self-addressed stamped envelope.

If you do not file a consent form and join in this case, you will not receive any back wages for overtime or other relief from the case if the plaintiffs prevail here. Any such relief would be obtained by you only if you proceeded by bringing an independent action within the time provided by law. **You must file a consent to join this action if you wish to recover unpaid overtime wages from this case.**

If, however, you decide to join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether it is favorable or unfavorable to you.

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in this case. Although the Court has authorized the sending of this notice, there is no assurance at this time that the Court will grant any relief in this case.

The FLSA prohibits anyone from discriminating or retaliating against you if you choose to take part in this case. This means you cannot be fired, demoted or have your pay cut because you participate in this case.

Gilberto Alba, Plaintiff

By: ________________________

Attorney-in-Charge for Plaintiffs

This notice has been authorized by the Honorable Kenneth Hoyt, the Judge to whom the case has been assigned.

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NOTICE OF CONSENT

I, the undersigned, an employee currently or formerly employed by Madden Bolt Corporation hereby consent to be a party plaintiff in the above-captioned lawsuit, which is an action to collect unpaid wages. I have been provided with a copy of the Professional Services Agreement with Bruckner Burch PLLC and agree to be bound by its terms. I hereby designate Gilberto Alba as my agent for the purposes of prosecuting this action, including the selection and compensation of counsel, negotiation of settlement and expenditures.

____
Full Legal Name (print)

____
Street Address

____
City State
Zip Code

____
Signature

____
Date